

### Advisory Opinions on Consent Agenda - March 2021

Item #	Docket #	Caption	Analysis	Recommendation
G3	2021-029	Advisory opinion request regarding 1) whether the Code of Governmental Ethics (Code) would prohibit Mr. Romero, a newly elected Orleans Parish School Board member from continuing his employment with the Einstein Group and 2) whether the Code would prohibit his business, Romero Education Strategies, LLC, from consulting with schools in the district.	In response to Mr. Romero's first question, his continued employment contract with the Einstein Group will violate Section 1111C(2)(d) of the Code. Further, in response to question two, Section 1113A of the Code prohibits Romero Education Strategies, a legal entity in which he has a controlling interest, from entering into any consulting agreements with the schools under the Orleans Parish School Board's jurisdiction while he serves as a member of the Orleans Parish School Board.	Adopt Draft Advisory Opinion.
G4	2021-069	Request for an advisory opinion from Timothy Guidry, as to whether his son could remain employed with the St. Landry Fire Protection District No. 1 if he becomes the Fire Chief. St. Landry has a population of 83,384.	Since Mr. Guidry has requested that his request for an opinion be withdrawn, the Board should allow for the withdrawal of the request.	Allow the withdrawal of the request.

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G5	2021-070	A Request for an Advisory Opinion submitted by Sondra Corbitt, regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit the Houma Area Convention & Visitors Bureau from interviewing and/or hiring the daughter of a member of its Board of Directors.	Based on La. R.S. 42:1113(B), which prohibits an immediate family member of an appointed board member from being in any way interested in a transaction with the board member's agency. Since the resignation of the Vice Chairperson has been accepted and she is no longer a member of the Board of Directors, the Executive Director may interview and hire the daughter. Furthermore, in order to prevent any violation of La. R.S. 42:1119, Ms. Babin's immediate family member "including her daughter" would have to be employed with HACVB for one year prior to Ms. Babin returning to the Board. La. R.S. 42:1119(C)(2) provides an exception to the Nepotism prohibition, such that Ms. Babin could return to the Board after her daughter has been employed for one (1) year.	Adopt proposed advisory opinion.

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G6	2021-071	Advisory Opinion request of Sharonda R. Williams, o/b/o Zachary R. Smith, Chief of Staff to Deputy Chief Administrative Officer Peter Bowen, as to the post-employment restrictions following his resignation from the City of New Orleans.	No. 1. Mr. Smith's agency was the Dept. of Safety & Permits while he was employed in that department exclusively. Currently, as Chief of Staff to Deputy CAO Bowen, Mr. Smith's agency is the Office of Business & External Services. Mr. Smith's governmental entity is the City of New Orleans. No. 2. Mr. Smith was an agency head over Safety & Permits while he served as Director from June 2018 until March 2, 2020. Section 1121A(1) prohibits Mr. Smith from assisting a private individual or entity, for compensation, in any transactions, involving the Dept., for a period of 2 years from March 2, 2020. This includes advising private individuals or entities, for compensation, on applications that may be presented to Safety & Permits for review, even if Mr. Smith is not the applicant and any project involving a permit application that was submitted to the Dept. while Mr. Smith was Director, whether or not Mr. Smith personally reviewed or issued the permit. No. 3 - As Chief of Staff within the Office of Business & External Services, Mr. Smith is prohibited by Section 1121B(1), for a period of 2 years following his resignation from the City, from assisting a private individual or entity, for compensation, in a transaction or in an appearance in connection with a transaction, involving the City of New Orleans and in which Mr. Smith participated at any time.	Adopt the proposed advisory opinion.

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G7	2021-072	Advisory Opinion request from JoAnn Rucker, Council Clerk for City of Covington, on behalf of the City of Covington, relating to potential transactions between the City of Covington and the employer of Council Member Larry Rolling.	Mr. Rolling, as an employee of ASP, would be prohibited from participating in any transaction between the City and his employer, ASP, pursuant to La. R.S. 42:1112B(3). However, that could be avoided using the recusal exception found in La. R.S. 42:1120. While recusal would eliminate any issues with participation under La. R.S. 1112, it would not prevent issues of prohibited sources under La. R.S. 42:1111C(2)(d), which prohibit him working for ASP while it has a relationship with the City. The purchase of ASP products by employees paying with their own funds are not between Mr. Rolling's agency and his employer, so there is no conflict. Similarly, if the City chooses to reimburse employees for such purchases, those reimbursements represent neither a transaction nor a business relationship between the City and ASP. Mr. Rolling would be prohibited, however, from using the authority of his office to compel or coerce purchases from ASP by employees. Finally, with respect to work that is subcontracted to ASP, this would represent a business relationship, albeit indirect, between ASP and the City, and, accordingly, payments made to Mr. Rolling by ASP would be a violation of La. R.S. 42:1111C(2)(d).	Adopt proposed advisory opinion.
G8	2021-076	Request for an advisory opinion from the South Lafourche Levee District as to whether a retired employee could be re-hired on a part-time basis for the same position. Lafourche Parish has a population of 96,318.	There would be no ethics violation for Mr. Curole to be re-hired by the SLLD once he retires. Since he would be working for an agency of a governmental entity, he would not be assisting another person and as he would be re-hired. Also, as a W-2 employee, he would not be contracting with his agency.	Adopt the proposed advisory opinion draft.

Item #	Docket #	Caption	Analysis	Recommendation
G9	2021-077	Advisory Opinion Request from Nikki Christy Honore', Statewide Nurse Program Consultant for Emergency Preparedness with the La. Dept. of Health, regarding her childcare and health consulting businesses.	Section 1113 would not prohibit Dr. Honore from obtaining certifications from the LDH Bureau of Sanitation Services, the La. Dept. of Education, and the Office of the State Fire Marshal for her business, since none of those certification applications would be under the supervision or jurisdiction of her agency, the Bureau of Community Preparedness within LDH. Also, Section 1111C(1)(a) would not prohibit Dr. Honore from providing compensated childcare education and training, since those services are not substantially related to the operations of her agency, the LDH Bureau of Emergency Preparedness, and she has not participated in providing those services in her public capacity as Statewide Nurse Program Consultant for Emergency Preparedness. Dr. Honore should be cautioned that Section 1111C(2)(d) of the Code will prohibit her from providing compensated services to any person who would be considered a prohibited source to her in her capacity as Statewide Nurse Program Consultant for Emergency Preparedness.	Adopt the proposed advisory opinion.
G10	2021-078	Advisory Opinion request regarding whether the Code of Governmental Ethics would prevent Members of the Louisiana Crawfish Promotion Board from being reimbursed at fair market value for crawfish being used to test a new crawfish peeling machine.	La R.S. 42:1113B prohibits members of the Louisiana Crawfish Promotion Board from being reimbursed for providing crawfish to the University pursuant to a contract under the supervision and jurisdiction of the Louisiana Crawfish Promotion Board to create an automated crawfish peeler. However, the exception in 1123(30) allows a Board member to donate movable property such as crawfish	Adopt draft advisory opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G11	2021-092	Advisory opinion request by Dr. Princess Dennar regarding whether she has to take leave from her position as Assistant Director of Investigation for Louisiana State Board of Medical Examiners (LSBME) while she has a lawsuit pending against her employer, Tulane University School of Medicine.	Since the time that Dr. Dennar requested this advisory opinion, she has resigned her position as an Assistant Director of Investigation with LSBME and no longer needs the opinion as the matter is moot.	Allow Dr. Dennar to withdraw her request.
G12	2021-100	Advisory Opinion request from Sgt. Travis Colombel of the Louisiana State Police, relating to his grass maintenance business seeking to bid on DOTD contracts.	As an employee of the LSP, the LSP is his agency. The contracts his potential business would seek to bid upon would be under the supervision of the DOTD. As the LSP and the DOTD are separate and distinct agencies, this would not be a violation of La. R.S. 42:1113A(1)(a).	Adopt proposed advisory opinion.

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G13	2021-101	Request for an advisory opinion relative to the Vermilion Charter Foundation and members of its Board of Directors who are employed with business entities seeking to have a business relationship with the Vermilion Charter Foundation.	<p>ETHAN BROUSSARD can provide real estate services to the VCF for no compensation since Section 1123(30) allows for the donation of services to his agency, however once the VCF charter is approved KEATY REALTY cannot provide compensated real estate services to Red Apple Development since Keaty Realty's employee is a VCF Board member.. KRISTY TOUCHET and MURPHY GUILBEAU would not be in violation of Section 1111C(2)(d) since there is an exception found in La. R.S. 17:3991A(1)(b)(ii); however, they would have to recuse themselves from voting in favor of their respective banks, disclose the reason for their recusal, and forward a disclosure form to the Board of Ethics. BEN REVIRA would be in violation of Section 1111C(2)(d) if he were to receive anything of economic value for services rendered from Thomson Smith &amp; Leach Insurance Group, such as a salary or commission, if the Group has or seeks to obtain contractual or other business or financial relationships with the VCF.</p>	Adopt the proposed advisory opinion draft.

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G14	2021-102	Advisory Opinion Request of Edward M. Leonard, Jr., o/b/o Charlie Solar Jr, Chief Administrative Officer for Morgan City, regarding his service on the Board of the Consolidated Gravity Drainage District 2A of St. Mary Parish.	Mr. Solar's continued service as both Chief Administrative Officer for Morgan City and Drainage District 2A Board Member presents no issues under the Code. Additionally, Mr. Solar would not be prohibited by Section 1113B from being reappointed by the St. Mary Parish Council as a Board Member for the Drainage District No. 2, since the appointment is not under the supervision or jurisdiction of Mr. Solar's agency, the municipality of Morgan City. Mr. Solar should be advised that this request may present an issue under the Dual Office Holding laws. A copy of the request will be forwarded to the AG's office.	Adopt the proposed advisory opinion.
G15	2021-104	A Request for an Advisory Opinion, submitted by Tangipahoa Parish Constable Phillip D. Ridder, Jr., regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit him from opening a checking account in the name of the Office of the Sixth Ward Constable and donating money to that account to purchase a Louisiana State Police unit.	Based on the facts presented, the Code does not prohibit Constable Ridder from: 1) opening a checking account in the name of the Office of the Sixth Ward Constable in Tangipahoa Parish; and, 2) donating his personal funds in order to purchase the unit. There is no provision in the Code that would prohibit him from opening a checking account for his office. Additionally, La. R.S. 42:1123(30) provides that he may donate funds to his agency.	Adopt the proposed advisory opinion.



Item #	Docket #	Caption	Analysis	Recommendation
G16	2021-105	Advisory opinion request regarding former Mechanical Inspectors for the Safety and Permits Division with the City of New Orleans, Kenneth Conerly and Mario Anderson, and their company, Khan's Codes and Standards, LLC, providing inspections to third parties within two years of the termination of their employment.	Mr. Conerly, Mr. Anderson and their company, Khan's Codes and Standards, LLC will be prohibited, for a period of 2 years from the termination of their employment with the Mechanical Dept. from assisting a person in a mechanical and/or gas inspection that will be processed by the Safety and Permits and in which they participated involving the City of New Orleans while employed with the City of New Orleans. Building and electrical inspections are not prohibited. Since inspections are not under the supervision or jurisdiction of the Property Management Dept., Mr. Anderson and Kahn's are not prohibited from performing inspections under the supervision or jurisdiction of the Safety and Permits nor is he prohibited from receiving a thing of economic value for services rendered to Kahn's, since the business relationship with Kahn's is with Safety and Permits and not his current agency, the Property Management Dept. Mr. Anderson should also be advised that he cannot enter into or represent clients in transactions involving the Property Management Dept. Further, Kahn's is prohibited from assisting clients in transactions involving the Property Management Dept. or who are prohibited sources for Mr. Anderson.	Adopt proposed advisory opinion.

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G17	2021-106	Advisory opinion request and disqualification plan concerning the application of the nepotism provision to Kathleen Sullivan and Zachary Moss, employees of the Jefferson Rise Charter School.	Because Mr. Moss has been employed with the school for over a year at the time of his marriage to Ms. Sullivan, he is entitled to continue his employment under La. R.S. 42:1119C(2). The disqualification plan submitted satisfies the requirements of Section 1112C of the Code by virtue of removing Kathleen Sullivan from all supervision of her future husband Zachary Moss once they are married in June of 2021.	Approve proposed disqualification plan.
G18	2021-107	Request for an advisory opinion from the Louisiana Public Defender Board relative to a former board member contracting with the 6th Judicial District Public Defender's Office.	Sections 1121A(1) and (2) prohibit Moses Williams from rendering any services on a contractual basis to the 6th Judicial District Public Defender's Office or any of the 42 Judicial District Public Defender's Offices for a period of two years following the expiration of his term on the LPDB since the LPDB provides funding for, supervises, evaluates and monitors compliance for the 42 Judicial District Public Defender's Offices.	Adopt the proposed advisory opinion draft.
G19	2021-108	A Request for an Advisory Opinion, submitted by Heather Holland, regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit Thomas Holland from being hired as the fire chief, Jackson Parish Ward 4 Fire Protection District.	Based on the facts presented, the Code does not prohibit Mr. Holland from being hired as Fire Chief. However, Scott Nunn would be required to recuse himself from voting to hire Mr. Holland as the Fire Chief, in accordance with La. R.S. 42:1120.4. Additionally, La. R.S. 42:1120.4 prohibits Mr. Nunn from participating in the discussion and debate concerning hiring Mr. Holland as Fire Chief.	Adopt the proposed advisory opinion.

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G20	2021-109	Request for advisory opinion from the Mid-City Security District regarding the retention of James Olsen, a former commissioner, as an unpaid advisor.	As Mr. Olsen would not be employed by or party to a contract with MCSD, Section 1121A(2) would not be violated. Further, Section 1123(30) provides that a public servant may donate services to his agency.	Adopt proposed advisory opinion.
G21	2021-131	A Request for an Advisory Opinion, submitted by Valencia Vessel Landry, regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit her from working as a full time academic counselor at Southern University Law Center while she continues to serve as a contract attorney for the Baker Economic Development District Center Board.	Based on the facts presented, the Code does not prohibit Mrs. Landry from working as a full time academic counselor at Southern University Law Center while continuing to provide contract attorney services for the Baker Economic Development District Center Board. The provision of legal services to the Baker Economic Development District Center Board while she is employed at Southern University Law Center would not be prohibited under La. R.S. 42:1111(C)(1)(a) because she would not be "receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated."	Adopt the proposed advisory opinion.

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G22	2021-132	A Request for an Advisory Opinion regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit Stephen J. Gremillion, Marshal of Avoyelles Parish, Ward 10, from providing painting services to the Hospital Services District No. 1 of Avoyelles Parish.	Based on the facts presented, the Code does not prohibit Mr. Gremillion from providing painting services to the Hospital Services District No. 1 after being elected the Ward 10 Marshal in Avoyelles Parish. The provision of painting services would not be prohibited under La. R.S. 42:1113(A)(1)(a) because Mr. Gremillion would not be "enter[ing] into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of" Mr. Gremillion's agency, which is not the Hospital Services District No. 1.	Adopt the proposed advisory opinion.
G23	2021-148	Withdrawal of an advisory opinion request of G. Paul Marx, Public Defender for the 15th Judicial District.	Since submitting the original request, Mr. Roberts has resigned from the Public Defender Board. As a result, Mr. Marx's request is now moot. He has asked that it be withdrawn.	Withdraw the opinion request.

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G24	2021-199	Advisory Opinion Request of Gina Boudreaux Lee, former court reporter for Division D in the 23rd JDC, regarding the post-employment restrictions with respect to her providing transcription services for hearings.	<p>In AO 2015-729, the Board, citing to the requirements in La. CCP Art. 372 and La. R.S. 13:961, determined that by operation of law, a former court reporter was not prohibited from receiving the set compensation for providing the required transcripts from hearings she recorded in her capacity as a court reporter for the 15th JDC, when the transcript was being generated as required by law or court order. The current facts are essentially the same as those in AO 2015-729. Ms. Lee is required by statute to provide transcripts when requested on appeal or by one of the parties. Upon payment of costs, Ms. Lee is required to produce the transcripts. Additionally, the amount is set according to the statutory procedures and not by Ms. Lee. Based on these specific facts, and the requirements of law, Ms. Lee should not be prohibited from receiving compensation for transcription services related to hearings she recorded while employed in Division D of the 23rd JDC.</p> <p>Ms. Lee is still prohibited from contracting with Division D to provide transcription services, as previously stated in AO 2021-098.</p>	Adopt the proposed advisory opinion.